

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID DURBIN,

Plaintiff,

v.

JOSEPH LEHMAN, et al,

Defendants.

Case No. C05-5041 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiff's "Appeal of Order staying my case and directing Defendant's to file for Sanctions Dkt. #____". [Dkt. #22]

Having considered the entirety of the records and file herein, the Court rules as follows:

This matter has been referred to Magistrate Judge Karen L. Strombom under 28 U.S.C. § 636. Under Fed. R. Civ. P. 72(a), the non-dispositive order of a magistrate judge to whom a matter has been referred for pretrial matters may be reviewed by the district court upon the objection of a party. The court construes Mr. Durbin's "appeal" in this instance to be such an objection.


Plaintiff challenges Magistrate Judge Strombom's Order which directs the defendants to prepare and submit a bill for the costs associated with responding to plaintiff's motion for appointment of counsel. The Magistrate Judge found that plaintiff's second request for appointment of counsel [Dkt. #15] was frivolous [Dkt. #19]. This finding was entered after plaintiff's first motion for appointment for counsel was denied and after plaintiff was warned that filing frivolous form motions prepared by Richard Roy Scott, another SCC

1 resident, would be construed as harassment and could result in the imposition of sanctions. [Dkt. #8].
2 Incredibly, after being warned about the potential penalties for filing form motions prepared by Scott, plaintiff
3 argues in this appeal that he cannot litigate this case because "Richard Scott's computer and discovery" have
4 been taken again and that he needs an attorney because "Richard Scott has been disarmed." [Dkt. #22].
5 Because plaintiff has not heeded the warnings given by Magistrate Judge Strombom and because it is apparent
6 that plaintiff did attempt to harass defendants and is continuing to do so, it is hereby

7 **ORDERED** that plaintiff's "appeal" [Dkt. #22] is **DENIED**.

8 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
9 pro se.

10 Dated this 12th day of May, 2006.

11
12 
13 RONALD B. LEIGHTON
14 UNITED STATES DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28